

ITEM #: _____

PREPARED BY: Brian S. Bacchus

MOVED BY: _____

APPROVED BY: _____

A JOINT RESOLUTION PURSUANT TO SECTION 9 OF THE ZONING ORDINANCE-REGULATIONS OF THE COUNTY OF SHELBY AND THE CITY OF MEMPHIS, TENNESSEE, GRANTING A SPECIAL USE PERMIT FOR LAND LOCATED AT THE SOUTH SIDE OF MONTEREY ROAD; +/-350 FEET EAST OF COLLIERVILLE-ARLINGTON ROAD KNOWN AS SPRING CREEK RANCH CLUB, LLC SPECIAL PERMIT, CASE NO. S. U. P. 08-219 CC

WHEREAS, Section 9 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064 dated October 6, 1980, authorized the Shelby County Board of Commissioners and the Memphis City Council to grant a Special Use Permit for certain stated purposes subject to standards of general applicability and any additional standards applicable to Special Use Permits in the various zoning districts outside of but within five miles of the Memphis City limits; and

WHEREAS, Application has been made by ***‘Spring Creek Ranch Club, LLC’*** for a Special Use Permit with respect to the property located at the ***‘south side of Monterey Road; +/-350 feet east of Collierville-Arlington Road’*** within the Agricultural(AG) District for the purpose of establishing a ***‘golf swing analysis and fitting studio’***; and

WHEREAS, The Office of Planning and Development has reviewed the application in accordance with the Special Use Permit provisions of the Zoning Ordinance-Regulations and reported its findings and recommendations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on ***Thursday, July 10, 2008*** and said board has studied and reported its recommendation to the Board of Commissioners and the City Council regarding the following potential effects of granting the Special Use Permit on:

- A. The character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public safety and general welfare;
- B. The compatibility of the existing buildings or uses within the immediate vicinity and the potential interference of said buildings or uses on the development or uses of adjacent property;
- C. The adequacy of public facilities including existing streets, parking, drainage, refuse disposal, fire protection, water and sewer or that such facilities will be provided;
- D. The destruction, loss or damage to features of significant natural, scenic or historic importance from the existing buildings or uses; and

WHEREAS, The Memphis and Shelby County Land Use Control Board and/or the Memphis and Shelby County Office of Planning and Development has recommended certain conditions be attached to the Special Use Permit to reduce any potential adverse impacts of the existing buildings or uses on the neighborhood, adjacent property owners, public facilities and significant natural, scenic or historic features; and

WHEREAS, The Memphis and Shelby County Land Use Control Board has also determined that the existing buildings or uses complies with all additional standards imposed on it by the particular provision of Section 9 authorizing such particular Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE AND THE COUNCIL OF THE CITY OF MEMPHIS, That a Special Use Permit is granted for a ***‘golf swing analysis and fitting studio’*** at the ***‘south side of Monterey Road; +/-350 feet east of Collierville-Arlington Road’*** in accordance with the site plan incorporated in the application, and subject to the attached conditions, all within the above mentioned Agricultural(AG) District.

BE IT FURTHER RESOLVED, That this Special Use Permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Board of Commissioners and the City Council have been met.

BE IT FURTHER RESOLVED, That this Resolution take effect from and after the date it shall have been passed by this Board of County Commissioners and by the Memphis City Council, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of the separate passage thereof by the Board of Commissioners of Shelby County, Tennessee, and the Council of the City of Memphis, the public welfare requiring same.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of the County Commission

ADOPTED: _____

S.U.P. 08-219 CC
Spring Creek Ranch Club, LLC Special Permit

SITE PLAN CONDITIONS:

A **Special Use Permit** is hereby authorized to **'Spring Creek Ranch Club, LLC'** to allow a **'golf swing analysis and fitting studio'** on property located at **'12191 Monterey Road'** at the **'south side of Monterey Road; +/-350 feet east of Collierville-Arlington Road'** in accordance with an approved **'site plan'** and the following supplemental conditions:

1. A golf swing analysis and fitting studio shall be permitted a maximum of 3,200 square feet in area. Any future expansions of structures or accessory uses shall be subject to review and approval by correspondence item to the Land Use Control Board.
2. The mature trees and shrubs interior to the site shall be preserved and maintained, including the enhancement of paved open space areas with flowering plants and shrubs. No fencing shall be allowed in the front yards along Collierville-Arlington Road and Monterey Road.
3. An 'Undisturbed Natural Area' shall be maintained on the balance of the property.
4. The location, design and number of any curb cut shall be subject to review and approval by the City/County Engineer. The existing curb-cuts shall remain with no internal access provided to adjacent land uses and structures.
5. A reciprocal ingress/egress easement for private drive access across the Mount Olive M.B. Church property to Collierville-Arlington Road shall be recorded with the Office of Shelby County Register prior to final Site Plan approval.
6. All on-site parking spaces shall be provided and designated to rear of buildings with the exception of required handicap parking in accordance with parking requirements of Zoning Ordinance-Regulations.
7. One(1) attached sign a maximum of twelve(12) square feet in area shall be permitted for the golf studio.
8. A detailed Site Plan shall be submitted for review and approval prior to the forwarding of this application to the legislative bodies.
9. A golf swing analysis and fitting studio shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.

S.U.P. 08-219 CC

Spring Creek Ranch Club, LLC Special Permit